IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Catherine LIN-HENDEL

Ser. No.: **09/577,190**

Filed: **May 23, 2000**

For: **A METHOD AND SYSTEM FOR ONE-CLICK NAVIGATION AND BROWSING OF ELECTRONIC MEDIA AND THEIR CATEGORY STRUCTURE AS WELL AS TRACKING THE NAVIGATION AND BROWSING THEREOF**

Group Art Unit: **2179**

Examiner: **Steven B. THERIAULT**

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Confirmation No.: **3789**

Final Office Action Mailed On: **8/9/2007**

APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

This Appeal Brief is responsive to the rejections in the Final Office Action mailed on the date shown above, in the above-referenced patent application. Notice of Appeal in this case was received by the Office on November 7, 2007. Applicant petitions for a one month extension of time under 37 CFR § 1.136(a)(1), and authorization is hereby granted to charge the applicable small entity time extension fee under 37 CFR § 1.17 to Deposit Account No. 50-3196. Therefore the Appeal Brief is timely. If the undersigned attorney is mistaken regarding the length of the required time extension, Applicant conditionally petitions for an appropriate extension of time as needed, and authorization is hereby granted to charge the time extension fee required for filing this Appeal Brief to the same Deposit Account. Authorization is also granted to charge to the same Deposit Account

the small entity Appeal Brief fee (37 C.F.R. § 41.20(b)(2)), and all other fees necessary to file this Appeal Brief.

I
REAL PARTY IN INTEREST

In this Appeal, the real party in interest is Dr. Catherine Lin-Hendel, an individual.

II
RELATED APPEALS AND INTERFERENCES

Applicant-Appellant and the undersigned attorney do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.

III
STATUS OF CLAIMS

The status of claims in the instant application is as follows:

Claims 1-25 and 29 are pending in the application.

Claims 1-25 and 29 have been rejected.

Applicant appeals from the rejection of claims 1-25 and 29.

IV
STATUS OF AMENDMENTS

No amendments have been filed after the rejection of claims in the Final Office Action mailed on August 9, 2007.

V
SUMMARY OF CLAIMED SUBJECT MATTER

A. Independent Claims

Claim 1

Claim 1 is directed to a system for navigating and browsing electronic media. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 14, line 12, through page 15, line 10.

The system includes a device enabling viewing of digitally stored information. *E.g.*, specification at 26, lines 3-10.

The device is configured to display at least portions of a categorization structure having a plurality of nested cascading category levels, each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content for said each category title. *E.g.*, specification at 14, line 12, through page 15, line 10; *id.* page 17, line 4, through page 18, line 5; *id.* page 21, line 16, through page 22, line 5; original claim 1.

Each category title is also coupled to a hidden nested subcategory structure of said each category title, the hidden nested subcategory structure of said each category title comprising link-tokens of category titles comprised in said each category title. *E.g.*, specification at 14, line 12, through page 15, line 10; *id.* page 17, line 4, through page 18, line 5; *id.* page 21, line 16, through page 22, line 5; original claim 1.

The category titles in the different plurality of category levels are able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device. *E.g.*, specification at 16, line 16, through page 17, line 3; *id.* page 17, line 16,

through page 18, line 5; *id.* page 22, line 6, through page 23, line 14; *id.* page 24, line 19, through page 26, line 2; original claim 1.

The categorization structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 14, line 12, through page 15, line 10; *id.* page 23, lines 11-14; *id.* page 23, line 19, through page 24, line 3; see also Figures 7A-7G and their description on pages 21-23.

Claim 2

Claim 2 is directed to a system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 14, line 12, through page 15, line 10; *id.* page 16, line 16, through page 17, line 3; original claim 2.

The system includes a computer. *E.g.*, specification at 26, lines 3-10.

The computer is configured to display to a user pages of content within an inter-linked content structure comprising at least three category levels. *E.g.*, specification at 14, line 12, through page 15, line 10; *id.* page 17, line 4, through page 19, line 15; *id.* page 22, line 6, through page 23, line 10; original claim 8.

The computer is further configured to enable the user to retrieve at will with one single click any desired content page within the inter-linked content structure from a display of every other content page of the inter-linked content structure. *E.g.*, specification at 1, line 14, through page 2,

line 8; *id.* page 14, line 12, through page 15, line 10; *id.* page 23, lines 11-14; *id.* page 23, line 19, through page 24, line 3; see also Figures 7A-7G and their description on pages 21-23.

Claim 22

Claim 22 is directed to a system for navigating and browsing electronic media. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 14, line 12, through page 15, line 10.

The system includes a device for viewing of digitally stored information. *E.g.*, specification at 26, lines 3-10.

The device is configured to display at least portions of a categorization tree structure having a plurality of cascading category lists, each list of the plurality of cascading category lists comprising a plurality of category titles to electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content file for said each category title. *E.g.*, specification at 14, line 12, through page 15, line 10; *id.* page 17, line 4, through page 18, line 5; original claim 22.

The device is also configured to display one or more link-tokens comprised in the stored content file for said each category title in response to placement of a cursor on the selectable link-token of said each category title without clicking on or invocation of the selectable link-token of said each category title, whereby the system enables the category titles in the different plurality of category lists to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device, wherein the categorization tree structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command. *E.g.*, specification at

16, line 16, through page 19, line 15; *id.* page 22, line 6, through page 23, line 10; *id.* page 24, line 19, through page 26, line 2.

Claim 24

Claim 24 is directed to a system for tracking the navigation and browsing of electronic media. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 14, line 12, through page 15, line 2.

The system includes at least one computing device. *E.g.*, specification at 26, lines 3-10.

The computing device is configured to enable a browser viewing any one content page of a plurality of content pages linked to any one of a plurality of category titles in a categorization structure comprising at least three category levels to retrieve every other content page of the plurality of content pages with a single click of a computer mouse. *E.g.*, specification at 1, line 14, through page 2 line 8; *id.* page 14, line 12, through page 15, line 10; *id.* page 17, line 4, through page 19, line 15; *id.* page 22, line 6, through page 23, line 14; *id.* page 23, line 19, through page 24, line 3; original claim 8.

Claim 29

Claim 29 is directed to a system for navigating and browsing electronic media. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 14, line 12, through page 15, line 2.

The system includes at least one storage device storing a plurality of interlinked web pages of a web site. *E.g.*, specification at 1, line 14, through page 2, line 8; *id.* page 17, line 16, through page 18, line 5; *id.* page 26, lines 3-10.

The system also includes a computing device configured to display the web pages to a user. *E.g.*, specification at 17, line 16, through page 18, line 5; *id.* page 26, lines 3-10.

Each web page of the plurality of interlinked web pages includes a starting symbol for a gateway to viewing a categorization tree structure that comprises link-tokens for the web pages of the plurality of interlinked web pages. *E.g.*, specification at 14, line 12, through page 15, line 10; *id.* page 17, line 16, through page 19, line 15.

When the user viewing content of said each web page places a cursor on the starting symbol of said each web page the computing device causes at least a portion of the categorization tree structure to be displayed on said each web page and wherein the categorization tree structure enables the user to use a single click to (1) return to any previous web page of the plurality of interlinked web pages, and (2) go to a web page of the plurality of interlinked web pages on a different browsing path from the browsing path of said each web page. *E.g.*, specification at 2, lines 3-8; *id.* page 14, line 12, through page 15, line 10; *id.* page 17, line 16, through page 19, line 15; *id.* page 23, lines 11-14.

VI
GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-25 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Finseth *et al.*, U.S. Patent Number 6,271,840 ("Finseth" in this paper) in view of Wolfston, Jr., U.S. Patent Number 5,815,155 ("Wolfston" in this paper).

VII
ARGUMENT

A. Art Rejection of Independent Claim 1

To facilitate discussion, claim 1 is set forth below:

> 1. A system for navigating and browsing electronic media, comprising:
>
> a device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization structure having a plurality of nested cascading category levels, each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content for said each category title, said each category title also being coupled to a hidden nested subcategory structure of said each category title, the hidden nested subcategory structure of said each category title comprising link-tokens of category titles comprised in said each category title and the category titles in the different plurality of category levels able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device, wherein the categorization structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.

The claim recites, *inter alia*, a device configured to display at least portions of a categorization structure . . . wherein the categorization structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command. Thus, in accordance with claim 1 the categorization structure enables the system's user who is viewing content of any one category title (such as a web page) to retrieve content of any other category title of the structure with a single retrieval command, such as a single click. The user therefore is enabled to retrieve content of titles that are not immediate subcategories of the category title being currently viewed. The user can jump to a different (*e.g.*, parallel) path within the category structure; to jump to a title that is below the

current title in the hierarchy, but not immediately below (*e.g.*, skipping an intermediate lower level); or jump to a title above the current title within the same path.

The Final Office Action acknowledged (page 4) that Finseth does not expressly teach that the categorization structure enables a user viewing content from any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieve command. The Final Office Action then relied on Wolfston for teaching of these limitations. In particular, the Final Office Action cited Wolfston's figure 2d, and text at column 5, lines 34-50. Applicant respectfully submits that Wolfston does not disclose or suggest the limitations in issue here.

According to Wolfston,

> . . . , FIG. 2d shows a typical screen display 160 that is presented when a user selects "DRAFT" horses.
>
> FIG. 2d shows on computer screen 110 screen display 160, which includes four clickable actuators. The first three clickable actuators 122, 124, and 142 are the same as those displayed in FIG. 2c, and if one is selected, it will return the user to the corresponding higher hierarchical level 100, 110, and 140, respectively. The fourth clickable actuator 162 represents a lower level in the hierarchy "Draft Horses for Sale," indicated by the word "DRAFT" written across a fence rail 164. Each of clickable actuators 122, 124, 142, and 162 includes common pictorial subject matter, i.e., fence portions and a background shake wall, consistent with the overall theme of horses. Actuators 122, 124, 142, and 162 together form a unitary image of a fence. The right fence post of each actuator forms the left fence post of a contiguous actuator, and rustic shake wall 126 of each actuator blends into shake wall 126 of neighboring actuators to appear to form a single rustic shake wall 126.
>
> Leftmost actuator 120 represents the top hierarchical level, rightmost actuator 162 represents the present position in the hierarchy, and actuators 122 and 142 represent intermediate levels that are above the current level and through which the user passed in navigating from the top level to the current level. If a user had previously descended to levels below that of screen display 160, no actuator representing such lower level would be presented after the user returns to the level of screen display 160. For example, if a user selects clickable actuator 122 labeled

> "HORSES" the system would display screen display 110 (FIG. 2b). Clickable actuators 142 and 162, which do not lie between the new current level and the top level, would no longer be displayed, even though they represent screens the user has passed through before arriving at his current position.

Wolfston, col. 5, lines 31-65 (underlining added). Note particularly the underlined verbiage. If one of the three clickable actuators is selected, "it will return the user to the corresponding higher hierarchical level . . . ." "The fourth clickable actuator 162 represents a lower level in the hierarchy," that is, a single lower level as distinguished from all lower levels. Indeed, "[i]f a user had previously descended to levels below that of screen display 160, no actuator representing such lower level would be presented after the user returns to the level of screen display 160." It follows that the user could not reach the levels without actuators with a single click. Similarly, actuators that "do not lie between the new current level and the top level, would no longer be displayed, ..."

Note further that the cited and quoted text is devoid of a teaching of parallel paths being accessible from a given display.

As is evident from the very same figure and text cited in the Final Office Action, the display of Wolfston's figure 2d does not show the actuators representing all lower levels. Moreover, Wolfston's figure 2d does not show the actuators of other paths that are available from the top hierarchical level of figure 2a, such as 104a and 104c-104f, and the actuators in the hierarchical levels below 104a and 104c-104f.

The rest of Wolfston's disclosure is to the same effect. See, for example, the flowchart in Wolfston's Figure 5, which shows "generalized steps of a preferred embodiment of" Wolfston's invention. Note that from the top level displayed in step 300 of the flowchart, the navigation proceeds to next lower level corresponding to a selected option, in steps 304 and 306. From the

lower level screen display resulting from the navigation (displayed in the step 306), the navigation proceeds either to (1) a higher level through step 320, or (2) the next lower level through step 318. The flowchart does not provide for skipping the next lower level and selecting a lower level that is not next, or for jumping to a level on a parallel path.

We have presented the above reasoning after a previous non-final action. The response in the Final Office Action is as follows:

> The Examiner relied on the teachings of Wolfston to teach the limitation of enabling the user to view content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single command. The skilled artisan can determine by looking at figure 2d that the user can select with a single command any category title shown on the display. For example, the titles are 122, 142, and 162. The user can view content by selecting the horse's title from the draft category and visa versa. If these were the only categories in the structure, the user can perform the function and therefore as the examiner explained in the above rejection and in arguments the structure of Wolfston and Finseth teach the limitations of claim 1.

Final Office Action, 14-15 (underlining added). We understand this response to mean that if there were a hypothetical categorization structure containing only a single top level (corresponding to actuator 120), a second level with a single title (actuator 122), a third level with a single title (actuator 142), and a fourth level (actuator 162) with a plurality of titles (list 164), then the user of Wolfston's system could navigate to any of the levels from the display 160 of Figure 2d. Note, however, that Wolfston in fact does not disclose such structure, but rather discloses a more complicated structure with multiple titles in the second and third categories. This is plainly evident from the Wolfston's Figure 3, which shows six entries in the second level and three entries in the third level below "Horses." Wolfston's system does not allow its user to access "News," "Product

Services," "Property," "Travel," or "Other Link" entries from the screen display 140 of the third level.

More to the point here, Applicant's claim 1 requires the displayed portions of the categorization structure to have "a plurality of nested cascading category levels, each category level of the plurality of nested cascading category levels comprising a plurality of category titles . . . ." Even if Wolfston taught or suggested the simplified hypothetical structure described in the Final Office Action, such simplified structure would not have a plurality of category levels with each category level comprising a plurality of category titles. For example, the simplified structure would have only a single entry in each of the top, second, and third levels. Of course, Woflston does not show such simplified structure, but instead shows a structure with multiple items in different levels. Wolfston, however, does not teach that items in parallel paths and items in lower levels other than the immediately lower level are accessible from each display.

Neither Finseth nor Wolfston discloses or suggests a categorization structure that enables a user viewing content from any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieve command.

Turning now to the motivation to combine Finseth and Wolfston, the Final Office Action asserted (page 4) that "the motivation to combine Finseth with Wolfston comes from the suggestion in Wolfston to display the information displayed to the user and then selected for the purposes of returning to a given point in the navigation process (See column 8, lines 30-45)." Note that this purported motivation, even if true, does not explain why a person skilled in the art would necessarily want to return to a given point with a single retrieval command. The purported motivation also does

not explain why a person skilled in the art would be motivated to add the capability to navigate directly to one of the lower levels skipping an intermediate level.

Let us now examine in detail the specific language of Wolfston cited in the Final Office Action in support of the motivation to combine. Here it is:

> It will be obvious to those having skill in the art that many changes may be made to the details of the above-described embodiments of this invention without departing from the underlying principles thereof. For example, the clickable actuators could be selected by means other than clicking a mouse button, such as touching a touch screen or depressing the enter key. The themes and metaphors will be different for different types of information.
>
> Although the examples provided show the invention use for navigating in a database, the invention is useful in navigating through any computer-presented information. For example, the invention could be used for a computer-implemented process for controlling machinery or for applying for admission to a college.
>
> The scope of the present invention should, therefore, be determined only by the following claims.

Wolfston, col. 8, lines 30-46. These three paragraphs are little more than typical boilerplate verbiage at the end of many patent applications, generally intended to prevent narrow construction of the claims. The specific disclosure actually made in these paragraphs includes the teaching that "the clickable actuators could be selected by means other than clicking a mouse button, such as touching a touch screen or depressing the enter key"; and "the invention is useful in navigating through any computer-presented information [such as] a computer-implemented process for controlling machinery or for applying for admission to a college." Applicant respectfully submits that the three paragraphs fail to explain the motivation to modify Finseth as asserted in the Final Office Action.

The Patent and Trademark Office has the burden of making a *prima facie* case of obviousness under 35 U.S.C. § 103. *E.g.*, *In re Mayne*, 104 F.3d 1339, 1342, 41 U.S.P.Q.2d 1451,

1454 (Fed. Cir. 1997); MPEP § 2142. One of the requirements for establishing a *prima facie* case of obviousness is a showing that the combination of prior art references teaches or suggests all the claim limitations. MPEP § 2143. In this case, the references do not disclose or suggest enabling a user viewing content from any category title in the categorization structure recited in claim 1 to retrieve content of any other category title in the categorization structure using a single retrieve command. Another requirement is some articulated analysis explaining why a combination of references would have been made. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727, 167 L. Ed. 2d 705, 82 U.S.P.Q.2D (BNA) 1385 (2007) (slip opinion at 14). Here, the Final Office Action fails to provide such analysis. At least for these reasons, Applicant respectfully submits that Finseth and Wolfston do not render claim 1 unpatentable.

B. Art Rejection of Independent Claim 2

For convenience, claim 2 is quoted below:

> 2. A system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path, the system comprising a computer configured to display to a user pages of content within an inter-linked content structure comprising at least three category levels, and to enable the user to retrieve at will with one single click any desired content page within the inter-linked content structure from a display of every other content page of the inter-linked content structure.

This claim stands rejected as being unpatentable over Finseth in view of Wolfston, the same ground as was applied to claim 1. Claim 2 recites a computer configured to enable a user to retrieve with one single click any content page within an inter-linked content structure from a display of every other content page of the structure. The structure comprises at least three levels.

In rejecting claim 2, the Final Office Action acknowledged (page 5) that Finseth does not

expressly teach retrieving with a single click any desired content page from a display of every other content page of the inter-linked content structure. The Final Office Action then cited Wolfston's figures 2a-2d, and column 5, lines 8-67, for disclosure of the limitations in issue here.

Wolfston's figures 2a-2d and the text in column 5 neither disclose nor suggest retrieving with a single click any desired content page from a display of every other content page of the inter-linked structure. For example, the user of Wolfston's system apparently cannot reach the display shown in figure 2d from the display shown in figure 2a with a single click. As Wolfston describes in some detail, navigation from the display of figure 2a to the display of figure 2d requires (1) one actuation (*e.g.*, a click) to go to the display of figure 2b, (2) another click to go from the display of figure 2b to the display of figure 2c, and (3) a third click to go from the display of figure 2c to the display of figure 2d. Three clicks are needed. See, generally, Wolfston, column 4, line 18, through column 5, line 65. If another lower level of hierarchy is present below the items on the list 164, then the user would have to click yet again to reach that lower level. Wolfston, col. 5, line 65, through col. 6, line 8. Even if we were to consider the hypothetical structure containing only a single top level, a second level with a single title, a third level with a single title, and a fourth level with a plurality of titles (see the Final Office Action at 14-15 and the discussion at page 16 of this Appeal Brief), then the user of Wolfston's system still could not navigate with a single click from the display of figure 2a to the display of Figure 2d.

Additionally, the Final Office Action has failed to offer the articulated analysis necessary to combine or modify the references, as is discussed in more detail above in relation to claim 1.

At least for these reasons, Applicant respectfully submits that Finseth and Wolfston do not render claim 2 unpatentable.

C. Art Rejection of Independent Claim 22

Here is claim 22:

> 22. A system for navigating and browsing electronic media, comprising:
>
> a device for viewing of digitally stored information, the device being configured to display at least portions of a categorization tree structure having a plurality of cascading category lists, each list of the plurality of cascading category lists comprising a plurality of category titles to electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content file for said each category title, wherein the device is configured to display one or more link-tokens comprised in the stored content file for said each category title in response to placement of a cursor on the selectable link-token of said each category title without clicking on or invocation of the selectable link-token of said each category title, whereby the system enables the category titles in the different plurality of category lists to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device, wherein the categorization tree structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.

Claim 22 stands rejected as being unpatentable over Finseth in view of Wolfston, the same ground of rejection as was applied to claims 1 and 2. The Final Office Action acknowledged (page 10) that Finseth does not expressly teach the limitation of "[w]herein the categorization structure enables a user viewing content from any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command," and then relied once again on Wolfston's figure 2d and text at column 5, lines 34-50 to fill-in this admitted gap.

Claim 22 recites, *inter alia*, a device configured to display at least portions of a categorization tree structure . . . wherein the categorization tree structure enables a user viewing content of <u>any category title</u> in the categorization structure to retrieve content of <u>any other category</u>

title in the categorization structure using a single retrieval command. Thus, in accordance with claim 22 the categorization structure enables the system's user who is viewing content of any one category title to retrieve content of any other category title of the structure with a single retrieval command, such as a single click. The user therefore is enabled to retrieve content of titles that are not immediate subcategories of the category title being currently viewed. As is discussed in more detail above in relation to claim 1, the references neither disclose nor suggest these limitations. As is also discussed in relation to claim 1, the Final Office Action has failed to offer the articulated analysis necessary to combine or modify the references.

Additionally, claim 22 specifies that "the system enables the category titles in the different plurality of category lists to be browsed independently of selecting and retrieving stored content files for any title . . . ." The Final Office Action stated (page 10) that Finseth discloses such browsing independent of retrieval of the content, citing column 8, line 40, through column 9, line 20, and column 10, lines 1-20. But Finseth's rendering of webpage images for preview apparently necessitates downloading the pages. Finseth, col. 9, lines 7-17; *see also id.* col. 7, lines 36-45 and col. 8, lines 1-8 (the process 32 retrieves the data associated with the URLs and passes the associated media and URL information to the visual index method page renderer). Finseth's browsing is therefore not independent of retrieving stored content files.

Applicant respectfully submits that claim 22 is patentable over Finseth and Wolfston at least for the above reasons.

D. Art Rejection of Independent Claim 24

Claim 24 is shown below:

> 24. A system for tracking the navigation and browsing of electronic media, the system comprising at least one computing device configured to enable a browser viewing any one content page of a plurality of content pages linked to any one of a plurality of category titles in a categorization structure comprising at least three category levels to retrieve every other content page of the plurality of content pages with a single click of a computer mouse.

Claim 24 stands rejected as being as being unpatentable over Finseth in view of Wolfston, the same ground as was applied to claims 1, 2, and 22.[1] In particular, the Final Office Action argued (page 12) that Finseth teaches enabling a browser viewing any one content page of a plurality of content pages linked to anyone of a plurality of category titles in a categorization structure comprising at least three category levels to retrieve every other content page of the plurality of content pages with a single click. In support of this assertion, the Final Office Action cited Finseth at (1) column 8, line 40, through column 9, line 20; and (2) column 10, lines 1-20.

First, it appears that neither in the cited text nor elsewhere does Finseth disclose or suggest a categorization structure comprising at least three category levels. To the contrary, it appears that Finseth discloses no more than two levels: (1) the search results level with the URL listing, such as the left side of the screen shown in figure 5 (Finseth, col. 8, lines 35-38), and (2) the links in the rendered pages of the search results, such as the graphical swing area 140 on the right side of the screen shown in Figure 5 (Finseth, col. 8, lines 29-35 and 45-50). There appears to be no disclosure or suggestion of a third level in Finseth.

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[1] The Final Office Action asserted that Finseth alone meets all the limitations of the claim. The need to cite Wolfston in rejecting claim 24 is therefore not clear. If Finseth discloses all limitations of claim 24 in a single embodiment, then the rejection should have been under 35 U.S.C. § 102. If Finseth does not disclose all the limitations in a single embodiment, then an articulated analysis of the necessary modifications should have been provided.

Second, Finseth does not disclose or suggest enabling a browser viewing any one content page of a plurality of content pages linked to any one of a plurality of category titles in a categorization structure comprising at least three category levels to retrieve every other content page of the plurality of content pages with a single click. When the user retrieves a page designated by a link in one of the search result pages, for example, it appears that Finseth's system is not configured to allow the user to retrieve with a single click a page corresponding to a link in a different search result. Indeed, the assertion that Finseth contains such disclosure contradicts the multiple admissions that it does not and the consequent reliance on Wolfston. See the Final Office Action at page 4 (lines 5-8), page 5 (lines 10-12), page 10 (lines 22-25), and page 13 (lines 10-14).

Applicant respectfully submits that claim 24 is patentable at least for these reasons.

E. Art Rejection of Independent Claim 29

Claim 29 is shown below:

> 29. A system for navigating and browsing electronic media, comprising:
>
> at least one storage device storing a plurality of interlinked web pages of a web site; and
>
> a computing device configured to display the web pages to a user, each web page of the plurality of interlinked web pages comprising a starting symbol for a gateway to viewing a categorization tree structure that comprises link-tokens for the web pages of the plurality of interlinked web pages, wherein when the user viewing content of said each web page places a cursor on the starting symbol of said each web page the computing device causes at least a portion of the categorization tree structure to be displayed on said each web page and wherein the categorization tree structure enables the user to use a single click to (1) return to any previous web page of the plurality of interlinked web pages, and (2) go to a web page of the plurality of interlinked web pages on a different browsing path from the browsing path of said each web page.

In rejecting claim 29 as being unpatentable over Finseth and Wolfston, the Final Office Action acknowledged that Finseth does not expressly teach that the categorization tree structure enables a user to single click to (1) return the user to any previous web page of the plurality of linked web pages, or to (2) go to a web page of the plurality of linked web pages on a different browsing path from the browsing path of said each web page. The Final Office Action again relied on Wolfston to provide a disclosure of these limitations, citing in particular figure 2d and text at column 5, lines 34-50.

As is discussed in more detail above in relation to claims 1, 2, and 22, Wolfston does not disclose or suggest a three-level categorization structure that enables the user to use a single click to return to any previous web page, or to go to a web page on a different browsing path. As is also discussed above in relation to claim 1, the Final Office Action has failed to offer the articulated analysis necessary to combine or modify the references. At least for these reasons Applicant respectfully submits that claim 29 is patentable over Finseth and Wolfston.

F. Art Rejection of Dependent Claim 25

Claim 25 depends from claim 24 and recites the following additional limitations: "wherein the system is embedded with a hidden dynamic nested-cascading categorization structure that allows the browser viewing any content page to browse and view the entire categorization structure independent of the content of any content page." In rejecting this claim the Final Office Action stated, *inter alia*, that "Wical shows the user can browse the titles of content independently of any content on the page and also view the entire structure." Wical possibly refers to U.S. Patent Number 6,038,560 or U.S. Patent Number 6,112,201, both of which references have been cited in this case;

the latter reference was previously relied on in rejecting one or more of the claims. At this juncture, however, Wical was not cited in the ground of rejection of claim 25. Therefore, reliance on Wical to show any of the limitations of the claims is misplaced. At least for this reason Applicant respectfully submits that a *prima facie* case of obviousness of claim 25 has not been made, and that claim 25 is separately patentable.

G. Rejections of Remaining Dependent Claims

Dependent claims not specifically addressed in the above arguments should be patentable at least for the reasons discussed in relation to their respective base claims and intervening claims, if any.

VIII
CONCLUSION

For the foregoing reasons, Applicant-Appellant respectfully submits that all pending claims are patentable and requests reversal of the rejections.

Respectfully submitted,

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/Anatoly S. Weiser/

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CLAIMS APPENDIX

The following is a listing of the claims in the application. All claims have been rejected and are involved in this Appeal.

1. A system for navigating and browsing electronic media, comprising:

a device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization structure having a plurality of nested cascading category levels, each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content for said each category title, said each category title also being coupled to a hidden nested subcategory structure of said each category title, the hidden nested subcategory structure of said each category title comprising link-tokens of category titles comprised in said each category title and the category titles in the different plurality of category levels able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device, wherein the categorization structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.

2. A system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path, the system comprising a computer configured to display to a user pages of content within an inter-linked content structure comprising

at least three category levels, and to enable the user to retrieve at will with one single click any desired content page within the inter-linked content structure from a display of every other content page of the inter-linked content structure.

3. The system according to Claim 1, wherein link-tokens of one or more category titles in a first category level of the plurality of nested cascading category levels are displayed for viewing on a display device in response to placing a cursor on a starting symbol representing a gateway to viewing the categorization structure displayed on the display device, without clicking.

4. The system according to Claim 3, wherein the link-tokens of one or more category titles in the first category level are displayed on the display device underneath the starting symbol representing the gateway to viewing the categorization structure.

5. The system according to Claim 3, wherein placing the cursor on one link-token of the link-tokens of the one or more category titles in the first category level causes the title corresponding to the one link-token to be highlighted and causes a second category level having a second plurality of titles to be displayed alongside the first category level, the plurality of titles in the second category level being sub-categories of the category title highlighted in the first category level.

6. The system according to Claim 3, wherein the titles in the first category level are displayed in a first listing-area with the titles listed one under the other.

7. The system according to Claim 5, wherein the titles in the second category level are displayed in a second listing-area with the titles listed one under the other.

8. The system according to Claim 5, wherein placing the cursor on one title of the category titles displayed in the second category level causes said one title of the category titles displayed in the second category level to be highlighted and causes a third category level having a third plurality of category titles to be displayed alongside the second category level, the plurality of titles in the third category level being sub-categories of the highlighted title displayed in the second category level.

9. The system according to Claim 1, wherein the system has a selectable number of category levels.

10. The system according to Claim 1, wherein the system has a selectable number of category titles in each category level.

11. The system according to Claim 1, wherein the system is implemented using software.

12. The system according to Claim 1, wherein when the cursor is moved from a category level having a plurality of category titles which are sub-categories of a title in a higher category level, the category level with the plurality of sub-category titles, and all subsequent category levels cease to be displayed on the display device.

13. The system according to Claim 1, wherein when the cursor is moved from a first category title in a first category level to a second category title in the first category level, a first plurality of sub-category titles of the first category title in a second, lower category level ceases to be displayed on the display device, and a second plurality of sub-category titles of the second category title on which the cursor now rests is displayed in a second category level on the display device.

14. The system according to Claim 1, wherein a browser can browse the categorization structure independently of any media content displayed on the display device.

15. The system according to Claim 1, wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to select and retrieve a page of media content from the storage device and without having to navigate back and forth between different pages of media content.

16. The system according to Claim 3, wherein the categorization structure resides with the pages of media content but is not displayed on the display device with the media content until a browser places the cursor on the starting symbol.

17. The system according to Claim 3, wherein the media content are the pages of a web site.

18. The system according to Claim 17, wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to down load a web page from the storage device and without having to navigate back and forth between different web pages.

19. The system according to Claim 17, wherein the categorization structure resides with the web pages but is not displayed on the display device with the web pages until a browser places the cursor on the starting symbol.

20. The system according to Claim 1, wherein a browser can navigate back and forth between a category title in a first category level and a category title in a second category level of the categorization tree structure.

21. The system according to Claim 1, wherein a browser can move from a first or any category title in a particular level to any other title in the same level of the categorization tree structure.

22. A system for navigating and browsing electronic media, comprising:

a device for viewing of digitally stored information, the device being configured to display at least portions of a categorization tree structure having a plurality of cascading category lists, each list of the plurality of cascading category lists comprising a plurality of category titles to electronic media content stored on at least one storage device, each category title having a selectable link-token

to the stored content file for said each category title, wherein the device is configured to display one or more link-tokens comprised in the stored content file for said each category title in response to placement of a cursor on the selectable link-token of said each category title without clicking on or invocation of the selectable link-token of said each category title, whereby the system enables the category titles in the different plurality of category lists to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device, wherein the categorization tree structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.

23. A method for navigating and browsing electronic media, comprising the steps of:

placing the cursor of the system of claim 22 on a first selectable link-token to the stored content file for a first category title of said plurality of category titles; and

viewing one or more link-tokens comprised in the stored content file for the first category title displayed in response to the step of placing.

24. A system for tracking the navigation and browsing of electronic media, the system comprising at least one computing device configured to enable a browser viewing any one content page of a plurality of content pages linked to any one of a plurality of category titles in a categorization structure comprising at least three category levels to retrieve every other content page of the plurality of content pages with a single click of a computer mouse.

25. The system according to claim 24, wherein the system is embedded with a hidden dynamic nested-cascading categorization structure that allows the browser viewing any content page to browse and view the entire categorization structure independent of the content of any content page.

29. A system for navigating and browsing electronic media, comprising:

at least one storage device storing a plurality of interlinked web pages of a web site; and

a computing device configured to display the web pages to a user, each web page of the plurality of interlinked web pages comprising a starting symbol for a gateway to viewing a categorization tree structure that comprises link-tokens for the web pages of the plurality of interlinked web pages, wherein when the user viewing content of said each web page places a cursor on the starting symbol of said each web page the computing device causes at least a portion of the categorization tree structure to be displayed on said each web page and wherein the categorization tree structure enables the user to use a single click to (1) return to any previous web page of the plurality of interlinked web pages, and (2) go to a web page of the plurality of interlinked web pages on a different browsing path from the browsing path of said each web page.

EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132. No evidence has been entered in the record by the Examiner and relied upon by Appellant in this Appeal.

RELATED PROCEEDINGS APPENDIX

Applicant-Appellant and the undersigned legal representative do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.